

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING  
DECEMBER 21, 2018  
INDIANA GOVERNMENT CENTER SOUTH, ROOM W064  
402 W WASHINGTON STREET  
INDIANAPOLIS, IN 46204**

**CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by Christopher Cooke, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**BOARD MEMBERS PRESENT:** Christopher Cooke, Chairman  
Donald Alford, Vice Chairman  
Thomas Sproles  
Frank Downing  
Theodore Mau  
Roland Cutter

**BOARD MEMBER ABSENT:** Tasha Smith, State Department of Health

**STATE OFFICIALS PRESENT:** Tracy Hicks, Board Director  
Shawwna Ajeigbe, Assistant Board Director  
Donald Hannah, Deputy Attorney General

**ADOPTION OF THE AGENDA**

The agenda was adopted as amended.

Sproles/Alford

6/0/0

Voting in Favor: Thomas Sproles, Frank Downing Christopher Cooke, Donald Alford, Ted Mau, and Roland Cutter

Motion carried.

**ADOPTION OF THE MINUTES OF THE OCTOBER 4, 2018, MEETING OF THE BOARD**

A motion was made and seconded to approve the minutes of the October 4, 2018 meeting.

Downing/Alford

6/0/0

Voting in Favor: Thomas Sproles, Frank Downing Christopher Cooke, Donald Alford, Ted Mau, and Roland Cutter

Motion carried.

**ADMINISTRATIVE HEARING**

1. Administrative Hearing in the matter of Matthew J. Fitzthum, FD29700015, 2018 SBFCS 0004

A motion was made and seconded to extend the emergency suspension.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing Donald Alford, and Roland Cutter

Motion carried.

2. Administrative Hearing in the matter of John Aaron Brazzell, FD20200067, 2018 SBFCS 0003

A motion was made and seconded to extend the emergency suspension.

Downing/Alford

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing Donald Alford, and Roland Cutter

Motion carried.

3. Administrative Show Cause Hearing in the matter of Thomas A. Oswalt, FD2100044, 2016 SBFCs 0025

A motion was made and seconded that Respondent violated his probation by conducting arrangement conferences.

Downing/Sproles

2/2/0

Voting in Favor: Thomas Sproles, Frank Downing

Voting Against: Donald Alford, and Roland Cutter

Motion failed.

A motion was made and seconded that Respondent violated his probation by conducting arrangement conferences.

Alford/Downing

3/1/0

Voting in Favor: Thomas Sproles, Frank Downing, and Donald Alford

Voting Against: Roland Cutter

Motion failed.

A motion was made and seconded that Respondent violated his probation by conducting arrangement conferences.

Alford/Downing

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Roland Cutter and Donald Alford

Motion carried.

A motion was made and seconded that he violated the terms of his probation and modify his probation to add the following practice restrictions; cannot gather death certificate or obituary information, cannot sign payment receipts, and cannot sign any purchase agreements.

Alford/Cutter

2/2/0

Voting in Favor: Donald Alford, and Roland Cutter

Voting against; Thomas Sproles, Frank Downing

Motion failed.

A motion was made and seconded that he violated the terms of his probation and modify his probation to add the following practice restrictions; cannot gather death certificate or obituary information, cannot sign payment receipts, and cannot sign any purchase agreements. It was further moved to extend indefinite probation with no right to petition for removal for one year and impose a civil penalty of \$500 to be paid within 60 days.

Downing/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Roland Cutter and Donald Alford

Motion carried.

4. Administrative Show Cause Hearing in the matter of Heritage Cremation Provider, 2018 SBFCs 0007

A motion was made and seconded to issue a Notice of Proposed Default.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing Donald Alford, and Roland Cutter

Motion carried.

## **OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT**

Written report provided.

### **C. Personal Appearance and Consideration of Application for Renewal**

1. Thomas A. Oswald, FD21000044

A motion was made and seconded to approve renewal subject to his modified probation.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing Donald Alford, and Roland Cutter

Motion carried.

### **D. Personal Appearance and Consideration of Application for Funeral Director License by Reciprocity**

1. Richard William Pierce II

A motion was made and seconded to approve the application.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing Donald Alford, and Roland Cutter

Motion carried.

### **E. Personal Appearance and Consideration of Application for Reinstatement**

1. Scotty Wessel, FD20400008

A motion was made and seconded to issue license as active and issue a notice of noncompliance that he is deficient 12 hours in Indiana law and give him six (6) months to complete hours.

Downing/Sproles

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing Donald Alford, and Roland Cutter

Motion carried.

### **F. Consideration of Extension of Emergency Rule: LSA Document #18-447(E), Concerning Disqualifying Criminal History for Licensure**

A motion was made and seconded to extend the rule.

Mau/Cutter

6/0/0

Voting in Favor: Thomas Sproles, Frank Downing Christopher Cooke, Donald Alford, Ted Mau, and Roland Cutter

Motion carried.

### **G. Request for Waiver of Continuing Education Requirement to Reinstate License**

1. Blanca Eberhardt, FD20800006

The board requested verification of whether the request was for hours required to renew 12/31/18 or for the 2019/2020 period.

**H. Verified Complaint Requesting Cemetery Maintenance Assistance**

1. Jean Buckley  
Re: Crown Hill Cemetery, Hobart

The board lacked a quorum to vote on this.

**I. Review of Preeed Consumer Protection Fund Balance**

A motion was made and seconded to suspend payments into the fund for preneed goods and services sold in the calendar year 2019 due to the fund balance being \$2,615,013.32

Downing/Mau  
6/0/0

Voting in Favor: Thomas Sproles, Frank Downing Christopher Cooke, Donald Alford, Ted Mau, and Roland Cutter  
Motion carried.

**J. Review of Consumer Protection Fund for Cemetery Maintenance**

The board lacked a quorum to vote on this.

**V. VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

- A. Marcie Sobiski for Bobbie Jean Newman**  
Re: Kraft Funeral Home, FH10000005 (Revoked)

A motion was made and seconded to approve restitution in the amount of **\$3225.00 (no interest)**.

Sproles/Mau  
6/0/0

Voting in Favor: Thomas Sproles, Frank Downing Christopher Cooke, Donald Alford, Ted Mau, and Roland Cutter  
Motion carried.

- B. Rees Funeral Home and Edward Hewitt for Priscilla Vandenburg**  
Re: Kraft Funeral Home, FH10000005 (Revoked)

A motion was made and seconded to approve restitution in the amount of 2287.00 only (no interest).

Sproles/Mau  
6/0/0

Voting in Favor: Thomas Sproles, Frank Downing Christopher Cooke, Donald Alford, Ted Mau, and Roland Cutter  
Motion carried.

- C. Alford's Mortuary for Emma Louise Townsend**  
Re: Clark O'Neal Funeral Home, FH10400018 (Closed)

A motion was made and seconded to approve restitution in the amount of \$3904.25 plus interest.

Sproles/Mau  
5/0/1

Voting in Favor: Thomas Sproles, Frank Downing, Christopher Cooke, Ted Mau, and Roland Cutter  
Donald Alford abstained and was not present during discussion or vote.

Motion carried.

## **REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES**

A motion was made and seconded to approve the report as indicated below.

### **COURSES FOR APPROVAL – No Indiana Law Courses**

#### **APEX Continuing Education Solutions – CE10800625**

- Pre-need Planning: What Every FD should know – ONGOING - 4 CEU (NOT LAW HOURS PER THE BOARD 4/4/19)

#### **Batesville Casket Company – CE10800652**

- Exceptional Cremation Arranging – T.E.A.C.H. Forum...11/15/2018 – 3 CEU
- Sensing and Responding to Changes in Your Families...11/15/2018 – 1 CEU
- Are you Connected To Your Consumers?...11/15/2018 – 1 CEU

#### **Cremation Association of North America – CE21200016**

- Plug the Expectation Gap...2/6/2019 – 1 CEU
- Operational Efficiency: Using Technology...2/6/2019 – 1 CEU
- Professor B and the Y-men: Mentoring...2/6/2019 – 1 CEU
- Superheroes Unite (Roundtables)...2/6/2019 - 1 CEU
- Best Practices in Personalization...2/7/2019 – 1 CEU
- Building your League of Cremationists...2/7/2019 – 1 CEU

#### **FuneralCE – CE10800715**

- Funeral Personalization...ONGOING – 3 CEU
- Top Five Things They Didn't Teach in Mortuary School...ONGOING – 2 CEU
- Pre-need planning...ONGOING – 4 CEU (not approved for any law hours)

#### **International Cemetery, Cremation & Funeral Association – CE10800864**

- ICCFA Wide World of Sales Conference...01/23/2019-01/25/2019 – 9 CEU

#### **International Order of the Golden Rule – CE10800865**

- How to Become the Go-to Funeral Home for Veterans...1/22/2019 – 5 CEU
- 2019 Young Professionals Event – Change Starts Here...3/10/2019-11/18/2019 – 8 CEU

#### **John F. Worland – CE21700010**

- Preneed Investment Options...Ongoing – 1 CEU
- Ind. Dep. Of Health What They Do...ongoing – 1 CEU
- The Masonic Funeral Rite...ongoing – 1 CEU
- Death Through The Eyes of a Child...ongoing – 1 CEU
- Yearly OSHA Training...ongoing – 1 CEU

#### **Kates-Boylston Publications – CE21100028**

- Cremation Innovations Summit...5/3/2019 – 5 CEU

#### **Madison County Funeral Directors Association – CE10800768**

- Cremation Pieces and Urn- Construction & Merchandising...8/14/2018 – 1 CEU
- Walking A Family Through Loss...10/23/2018...- 2 CEU

**Selected Independent Funeral Homes – CE10800819**

- Community Outreach and Business Growth: Thinking Outside the Box...1/28/2019 – 3 CEU
- Timely Topics and Best Practices Exchange...1/29/2019 – 2 CEU
- Self, Staff Team, Client Families – How They All Matter...1/31/2019 – 3 CEU

**The Conference – Pending Provider – TABLED FOR FAILURE TO FILE THE INDIANA REQUEST FOR APPROVAL FORM.**

- Board Member Training Program...02/26/2019 – 02/27/2019 – 7.5 CEU
- Funeral Service Administrators Forum...02/27/2019 – 3.5 CEU
- Examination Services Forum...02/27/2019 – 1 CEU
- Recent Cases & What you need to learn...02/27/2019 – 1 CEU
- Legislation Ethics Governance...02/27/2019 – 1 CEU
- What's New at the FTC...02/28/2019 – 1 CEU
- Case Study: Protecting the Public...02/28/2019 – 1 CEU
- District Meetings...02/28/2019 – 1.5 CEU
- Interactive Session: Conference Fishbowl...02/28/2019 – 1.5 CEU

**COURSES FOR APPROVAL – Indiana Law Courses**

**Brian D. Miller – pending provider –**

- What you need to know- Cremation Act...ongoing – 2 CEU
- 25 Things to know- Practice Act...ongoing – 2 CEU
- Legal Aspects of the preceptor/student relationship...ongoing – 2 CEU

**ADJOURNMENT**

The meeting was adjourned at 2:28 pm.